IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 505 (MS) OF 2006

Manipal,
S/o Karan Singh,
R/o House No. 899/06,
Ram Nagar Camp Roorkee,
Pargana & Tehsil Roorkee,
District – Haridwar. …….Petitioner.

Versus

1. Civil Judge (J.D.), Roorkee.
2. State of Uttaranchal, through District Magistrate, Haridwar.
3. S.D.M. Roorkee, District-Haridwar.
4. Amrish Kumar, S/o unknown halka Lekhpal, Ram Nagar, Roorkee, Pargana & Tehsil Roorkee, District Haridwar. …….Respondents.

Dated: 05.05.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of writ of certiorari quashing the order-dated 28.03.2006 (Annexure No. 7 to the writ petition and command the respondent to dispose of the interim injunction application moved by the petitioner/plaintiff (contained as Annexure No. 5 to the writ petition). Further prayer has been made for a writ of mandamus restraining the respondents not to interfere in the peaceful possession of the petitioner over the suit property i.e. House No. 899/06 Ram Nagar Camp and further does not dispossess him only in accordance with law.

I do not find any illegality in the order passed on 28.03.2006. So far as the direction for framing the issue is concerned. However, the grievance of the petitioner is that application under Order 39 Rule 1 C.P.C. has not been disposed

of and the same is pending. The Court below, therefore, is directed to dispose of the injunction application before framing the issues.

If the petitioner is in unauthorized occupation, he shall not be evicted except in accordance with law.

However, I do not find any illegality in the order passed by the District Judge.

Writ Petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

05.05.2006

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